



State of Delaware
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
OFFICE OF THE SECRETARY
P.O. BOX 818
DOVER, DELAWARE 19903-0818
302-744-2680

The Honorable John Carney
Governor

The Honorable Robert M Coupe
Cabinet Secretary

October 4, 2019

Christopher Schiano
MuckRock News
Dept MR 63237
411A Highland Ave.
Somerville, MA 02144-2516

Dear Mr. Schiano:

By letter you made a request under the Delaware Freedom of Information Act (FOIA) for: "a complete list of officers who would have been a part of the Delaware Department of Corrections Emergency Response Team (CERT) as of February 1, 2017."

The Delaware Department of Safety and Homeland Security (DSHS) has reviewed your request and determined that your request(s) are exempt under all of the following exemptions:

First, the DSHS does not possess any records responsive to your request as we are not the custodians of the Department of Corrections records. To the extent that DSHS did have responsive information FOIA law does not require an agency to create a record that does not exist. See Del. Op. Att'y Gen. 18-IB51 (Nov. 20, 2018); Del. Op. Att'y Gen. 15-IB17 (June 17, 2015). The Delaware Department of Justice has further stated that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen. 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at *2 (Jun. 8, 2004). Finally, the Department of Safety and Homeland Security has determined that your request is exempt as public bodies are only required to comply with FOIA when the requesting party is a citizen of the State of Delaware. See *McBurney v. Young*, 569 U.S. 221 (2013); see also Del. Op. of the Attn'y Gen. 16-IB20 (Sept. 30, 2016).

The Department of Safety and Homeland Security considers your FOIA request closed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wendy Hudson".
Wendy Hudson
FOIA Coordinator
Delaware Department of Safety and Homeland Security